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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,985	02/27/2004	Michael Wimmer	FA1193USNA	6843
23906 7590 02/06/2007 E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE WILMINGTON, DE 19805			EXAMINER MAKI, STEVEN D	
			ART UNIT 1733	PAPER NUMBER
			MAIL DATE 02/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/788,985	Applicant(s) WIMMER ET AL.	
	Examiner Steven D. Maki	Art Unit 1733	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see advisory action attachment. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-11.
 Claim(s) withdrawn from consideration: 12.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see advisory action attachment.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

Advisory Action Attachment

new issues

The new issues include:

- (1) in claim 1 line 5, changing "comprising" to --consisting of--;
- (2) in claim 1 part D), inserting --at least one organic solvent as-- before "flow agent";
- (3) in claim 1, amending step c) to recite --assembling at least one coated electrical steel sheet coated electrical steel sheets obtained in step b) ...--;
- (4) in claim 2, after "adding components B) - E)" inserting --wherein the composition has a solids content of 30% to 60%--; and
- (5) in claim 7, changing "polyglycol" to --diethylene glycol monobutylether--.

remarks

With respect to Japan 723's disclosure to use phenol resin and dicyandiamide in the aqueous composition, applicant acknowledges that claim 1 recites "comprising". See pages 8-9 of the response filed 1-16-07. Furthermore, applicant recognizes that "... the possibility of presence of a phenol resin, in addition to the dicyandiamide, as curing agent, is not ruled out" (page 9 of after final filed 1-16-07). Examiner agrees that claim 1 reads on and fails to exclude phenol resin. Arguments based on the claimed invention using dicyandiamide without any phenol resin, therefore, are not persuasive

Art Unit: 1733

since claim 1 recites "comprising" and thereby reads on and fails to exclude phenol resin.

Applicant's arguments regarding "flow agent" are not commensurate in scope with the claims and are therefore not persuasive. Claim 1 fails to require a flow agent which increases the film formation during the curing process at a higher temperature. Claim 1 fails to require a flow agent which is neither an agent to increase dispersion properties nor an agent to influence membrane properties. Instead of requiring an agent having the property of increasing film formation during the curing process at a higher temperature, claim 1 merely recites "flow agent". In claim 1, "flow agent" is sufficiently broad to read on polyethylene glycol nonionic surfactant as disclosed by Japan 574. Polyethylene glycol nonionic surfactant is a "flow agent" as described in claim 1 because polyethylene glycol nonionic surfactant reduces surface tension and thereby affects the flowability of the aqueous coating composition. This conclusion that "flow agent" in claim 1 reads on polyethylene glycol is consistent with claim 7 which recites "polyglycol is used as a flow agent". It is noted that Japan 574 motivates one of ordinary skill in the art to use polyethylene glycol in Japan 723's aqueous coating composition for a steel sheet to acquire excellent coating stability and corrosion resistance.

Applicant argues and examiner agrees that Japan 574 uses polyethylene glycol nonionic surfactant to keep the resin emulsion stable (page 5, paragraph 29). Examiner adds that polyethylene glycol nonionic surfactant is a "flow agent" as described in claim 1 because polyethylene glycol nonionic surfactant reduces surface tension and thereby

Art Unit: 1733

affects the flowability of the aqueous coating composition. This conclusion that "flow agent" in claim 1 reads on polyethylene glycol is consistent with claim 7 which recites "polyglycol is used as a flow agent".

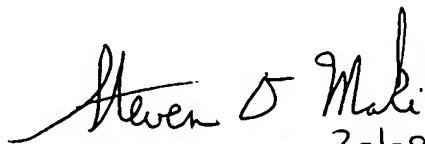
Applicant's remaining arguments relate to the new issues and are not persuasive because as noted on the Advisory Action form PTOL 303, the after final amendment filed 1-16-07 will not be entered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven D. Maki
February 1, 2007


2-1-07
STEVEN D. MAKI
PRIMARY EXAMINER